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The Honorable Rebecca L. Pennell

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

ORTHODOX CHURCH IN
AMERICA, et al.,

Plaintiffs,

v.

ROBERT FERGUSON, et al.,

Defendants.

NO. 2:25-cv-00209-RLP

STIPULATED MOTION TO
ENTER PRELIMINARY
INJUNCTION AS TO STATE
DEFENDANTS

NOTE ON MOTION DOCKET:
July 24, 2025

I. STIPULATION

Plaintiffs Orthodox Christian Church in America, Antiochian Orthodox Christian Archdiocese of North America, Romanian Orthodox Metropolia of the Americas, Western American Diocese of the Russian Orthodox Church Outside of Russia, and Timothy Wilkinson, and Defendants Robert W. Ferguson and Nicholas W. Brown (State Defendants), stipulate and agree that State Defendants

will be bound by the terms of this Stipulation and Proposed Order, including Exhibit A attached thereto.

On June 16, 2025, Plaintiffs in this case filed their Complaint. ECF No. 1. Plaintiffs filed their Motion for Preliminary Injunction on June 20, 2025. ECF No. 20.

On July 18, 2025, the U.S. District Court for the Western District of Washington issued a preliminary injunction enjoining State Defendants from enforcing SB 5375 as to the Sacrament of Confession against the plaintiffs in that case and “all Roman Catholic priests in Washington who fall directly under the administration of Plaintiffs Etienne, Daly, and Tyson.” *Etienne et al v. Ferguson et al.*, No. 3:25-cv-05461-DGE, ECF No. 227 at 25. State Defendants have represented in the *Etienne* case that they will not seek to enforce SB 5375 as to all clergy regarding regarding information learned in confession or sacred confidence, for such time as that Order remains in effect.

In the instant case, State Defendants stipulate and agree to entry of a Preliminary Injunction enjoining State Defendants from enforcing SB 5375 against the Plaintiffs in this action and their priests, as to information learned in confession or sacred confidence, to remain in effect until final judgment is entered in this case.

IT IS SO STIPULATED by and between the Parties.

RESPECTFULLY SUBMITTED this 24th day of July 2025.

NICHOLAS W. BROWN
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/s/ Emma Grunberg

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II. ORDER

This matter is before the Court on the Stipulated Motion to Enter Preliminary Injunction as to the State Defendants. Defendants Robert W. Ferguson and Nicholas W. Brown (State Defendants) have agreed to stipulate to the Court's entry of a preliminary injunction (Dkt. 20-1) until such time as a final judgment is entered in this case.

Having reviewed the Motion, the docket and all related material, and good cause appearing therefore, the Court hereby ORDERS as follows:

1. The State Defendants are hereby subject to and bound by Exhibit A to this Order until such time as a final judgment is entered in this case. Plaintiffs are not required to provide bond or other security.

IT IS SO ORDERED.

DATED this ____ day of _____ 2025.

EXHIBIT A

Pursuant to the Stipulated Motion of Plaintiffs Orthodox Christian Church in America, Antiochian Orthodox Christian Archdiocese of North America, Romanian Orthodox Metropolia of the Americas, Western American Diocese of the Russian Orthodox Church Outside of Russia, and Timothy Wilkinson, and Defendants Robert W. Ferguson and Nicholas W. Brown, IT IS HEREBY ORDERED that State Defendants and their officers, agents, servants, employees, and attorneys, and any other persons acting in concert with State Defendants, are preliminarily enjoined, pursuant to Federal Rule of Civil Procedure 65(a), from enforcing or attempting to enforce Senate Bill 5375 against the Plaintiffs in this action and their priests as to the Sacrament of Confession and other sacred confidences, until such time as final judgment is entered in this case.

CERTIFICATE OF SERVICE

I hereby certify that on this day, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF System, which in turn automatically generated a Notice of Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF system. The NEF for the foregoing specifically identifies recipients of electronic notice.

I declare under penalty of perjury under the laws of the State of Washington and the United States of America that the foregoing is true and correct.

DATED this 24th day of July 2025, at Seattle, Washington.

/s/ Emma Grunberg

EMMA GRUNBERG, WSBA #54659
Deputy Solicitor General